

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KEVIN GREEN,	:	CIVIL ACTION NO. 1:11CV-2320
	:	
Petitioner	:	(Judge Conner)
	:	
v.	:	
	:	
MR. BLEDSOE,	:	
	:	
Respondent	:	

ORDER

AND NOW, this 21st day of December, 2011, upon preliminary consideration of the petition for writ of habeas corpus (Doc. 1) pursuant to 28 U.S.C. § 2241¹ wherein petitioner challenges his 2007 United States District Court for the District of Minnesota federal conviction, and it appearing that petitioner filed an identical habeas corpus petition pursuant to 28 U.S.C. § 2241 in the United States District Court for the Southern District of Illinois on November 20, 2009, Green v. Hollingsworth, Civil No. 09-972-GPM, which was summarily dismissed on June 1, 2010, because the claims raised therein were not foreclosed by § 2255, and it appearing that “[n]o circuit or district judge shall be required to entertain an application for a writ of habeas corpus to inquire into the detention of a person pursuant to a judgment of a court of the United States if it appears that the legality

¹Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts provides that if it plainly appears that the petitioner is not entitled to relief in the district court, the judge shall make an order for its summary dismissal and notify the petitioner. See R. GOVERNING § 2254 CASES R. 4; see also Rule 1b which makes the rules applicable to petitions under 28 U.S.C. §2241 in the discretion of the court.

of such detention has been determined by a judge or court of the United States on a prior application for a writ of habeas corpus . . . ,” 28 U.S.C. 2244(a), and it further appearing that prior to filing a second or successive petition, “the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application,” 28 U.S.C. 2244(3)(A), it is hereby ORDERED that:

1. Petitioner’s motion for leave to proceed in forma pauperis (Doc. 2) is GRANTED.
2. Petitioner’s motion for appointment of counsel (Doc. 3) is DENIED.
3. The petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 is DISMISSED without prejudice to petitioner’s right to seek an order from the court of appeals authorizing consideration of the application. See 28 U.S.C. 2244(3)(A).
4. The Clerk of Court is directed to CLOSE this case.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge